IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.591 OF 2007
IN
PUBLIC INTEREST LITIGATION NO.573 OF 2007

Pure Drinks Ltd. .. Petitioners

Vs.

The Collector & District
Magistrate of Mumbai City & Ors. .. Respondents

Mr.S.U.Kamdar i/b Mr.Deepak Chitnis Chiparikar and Co. for the petitioners

Mr.P.J.Jadhav, A.G.P. for the respondent nos.1 and 2

Mr.A.D.Shetty for the intervenor

CORAM : J.N.PATEL &
SMT.NISHITA MHATRE, JJ.

DATED : 28TH NOVEMBER, 2007

P.C.:

1. Not on board. Mentioned after giving due notice to the other side.

2. Heard.

3. The grievance of the petitioners is that

the petitioners have deposited a sum of Rs.12 crores in this court which now stands transferred to the 1st Labour Court, Bandra, Mumbai and that the petitioner employer have discharged their liability by paying the dues of the 224 workmen out of 236 workmen. Inspite of this, the workmen are making applications to the Labour Court for disbursement of the amount.

4. The learned counsel appearing for the Union states that some workmen out of these 40 are dead and the rest are unavailable. The learned counsel agrees that no application will be lodged for withdrawing the amount due to them unless they are properly identified and the eligibility of the legal heirs is ascertained.

5. The learned A.G.P. submits that the Labour Court can disburse payment to such workers only in whose favour recovery certificate was issued. Out of the said category of workers, only 12 are left to be paid their dues for the same reason as submitted by the learned counsel appearing for the union.

6. It is submitted that the petitioners can be permitted to withdraw the balance amount after securing the interest of 40 workers which includes those 12 workmen in whose favour recovery certificate was issued and that the total sum comes to approximately Rs.1 crore.

7. We therefore, direct the 1st Labour Court to permit the petitioners to withdraw the amount by retaining a sum of Rs.1 crore and that the 1st Labour Court would deposit the said amount in any Nationalised Bank which would offer the highest rate of interest initially for a period of 13 months and this amount would be disbursed to such workers or their legal heirs who are duly identified by the Union or any person authorised to do so. This order sufficiently clarifies the stand which is required to be adopted by the 1st Labour Court while disbursing the amount.

8. We may therefore, make it clear that those workers who have already been paid are not eligible to withdraw any amount from the Labour Court.

9. The learned counsel appearing for the Union submits that he will submit a list of such workmen who have received the amount. This can also be done by the petitioner employer in respect of the amount which is going to be invested in Nationalised Bank as and when payment would be made to the workman or their legal heirs. They will be paid the amount due alongwith interest on pro rata basis which has accrued by depositing the same in Nationalised Bank.

10. The parties are directed to approach the presiding officer of the 1st Labour Court for resolving any controversy arising out of the matter as it will be a proper forum to take a decision in the matter. Notice of Motion stands disposed of accordingly with aforesaid terms.

. Authenticated copy of this order be made available to the learned counsel for the parties.

(J.N. PATEL, J)

(SMT.NISHITA MHATRE, J)